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**UNITED STATES DISTRICT
DISTRICT OF NEVADA**

10 MILLIE ESPOSITO, an individual) Case No. 2:11-cv-00958-PMO-RJJ
11 vs. Plaintiff,)
12)
13 MARIE HEILBERG, an individual, PATRICIA ANN)
14 BASCOM, an individual, LAWYERS TITLE OF)
15 NEVADA, INC., a Nevada corporation, PAULA L.)
16 DIFULVIO, an individual, NATIONAL ALLIANCE)
17 TITLE COMPANY, a Nevada corporation,)
18 TAYLOR, BEAN AND WHITAKER, a Nevada)
19 corporation, SUNTRUST MORTGAGE, INC., a)
20 Nevada corporation, FEDERAL HOME LOAN)
21 MORTGAGE CORPORATION, a governmental or)
22 business entity, from unknown, DOE individuals I-X,)
23 inclusive; ROE business entities XI-XX, inclusive,)
24)
25 Defendants.)
19)
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22)
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25)
Cross Claimant,)
vs.)
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23)
24)
25)
MARIE HEILBERG, an individual, TAYLOR,)
BEAN AND WHITAKER, a Nevada corporation,)
DOE individuals I-X, inclusive; ROE business)
entities XI-XX, inclusive,)
Cross-Defendants.)
25)

27 Cross Claimant FEDERAL HOME LOAN MORTGAGE CORPORATION (“FHLMC”),
28 filed a Cross Claim seeking Implied/Equitable Indemnity and Contribution in regards to real

1 property located at 817 Yacht Harbor Drive, Las Vegas, Nevada 89145 (the "Property").

2 The Clerk of the Court entered default as to Cross Defendant MARIE HEILBERG
3 ("Heilberg") for failure to contest or otherwise respond to the complaint filed against her in this
4 matter. Therefore it is hereby ORDERED that FHLMC is granted judgment against Heilberg. It
5 is further ORDERED, ADJUDGED, and DECREED as follows:

6 **FINDINGS**

7 1. This Court has jurisdiction over the subject matter of this case and over the
8 persons of the Cross Defendant.

9 2. Venue as to the Cross Defendant in the United States District Court, District of
10 Nevada is proper.

11 3. FHLMC has authority to seek the relief it has requested

12 4. The Cross Claim states a claim upon which relief may be granted against Cross
13 Defendant Heilberg.

14 5. Heilberg was served with the Summons and Cross Claim pursuant to Federal Rule
15 of Civil Procedure 4.

16 6. Heilberg has failed to make an appearance.

17 7. On February 4, 2013, the Clerk of Court entered default against Heilberg.
18 Heilberg was served with the entry of default and has not contested the entry as provided for in
19 Federal Rule of Civil Procedure 55(c).

20 8. In or about December 1993, Millie Esposito ("Esposito") and her spouse Carmen
21 Esposito purchased the Property.

22 9. On May 14, 2007, Carmen Esposito passed away and in or about June 2007,
23 Esposito's daughter, Heilberg moved into the Property to assist Esposito

24 10. In or about August 2007, Heilberg, using the Property as collateral, obtained a
25 fraudulent loan in the amount of \$100,000 from SunTrust Mortgage, Inc. ("SunTrust Mortgage
26 Loan").

27 11. In or about February 2008, Heilberg, again using the Property as collateral,
28 obtained a loan in the amount of \$159,500.00 from Taylor Bean & Whitaker ("TB&W Loan").

1 The TB&W Loan paid off the SunTrust Mortgage Loan and was secured by a Deed of Trust on
2 the Property. Heilberg made some payments on the TB&W Loan but eventually she ceased
3 paying the TB&W Loan and the Property was foreclosed upon. FHLMC purchased the Property
4 at the foreclosure sale.

5 12. On June 22, 2012, the Court declared the two forged Deeds of Trusts in regards to
6 the SunTrust Mortgage Loan and TB&W Loan were void ab initio.

7 13. On January 11, 2013, FHLMC entered into an agreement with Esposito, whereby
8 FHLMC would purchase the property for \$90,000.00 and Esposito would vacate the premises of
9 the Property within 90 days.

ORDER

11 **IT IS THEREFORE ORDERED** that a judgment of indemnity be entered whereby
12 Cross Defendant Heilberg is required to indemnify and pay to FHLMC the total amount of
13 damages suffered by FHLMC as a result of Plaintiff's Complaint in the amount of \$90,000.00.

14 **IT IS FURTHER ORDERED** that a judgment of indemnity be entered whereby
15 Cross Defendant Heilberg is required to indemnify and pay to FHLMC its attorneys' fees,
16 expenses and costs of suit incurred in defending against the Plaintiff's Complaint in the amount
17 of \$19,021.15.

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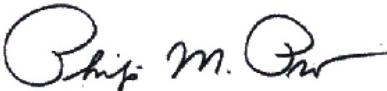
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1 **IT IS FURTHER ORDERED** that Cross Defendant Heilberg is responsible for any
2 and all attorneys' fees, expenses, costs and discovery expenses heretofore incurred and hereafter
3 incurred by FHLMC in its defense of Plaintiff's Complaint.

4 **IT IS SO ORDERED**, this 3rd day of September, 2013.

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UNITED STATES DISTRICT JUDGE

9 Submitted by:

10 FIDELITY NATIONAL LAW GROUP

11
12 /s/ Marni Rubin-Watkins, Esq.
Nevada Bar No. 9674

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